

TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

February 22, 2016

Present: Mr. John Goerlach, Chair
Mr. Robert Ericson
Mr. Henry Sayers
Mr. Paul Sieloff, Town Manager

Warrants: Warrant Signed

The meeting was opened by John Goerlach at 6:00 p.m.

Public Comment

John Goerlach asked the Board if they objected to his making a statement as a resident regarding the recent article in the Berkshire Courier. The remaining Board members had no objection. Mr. Goerlach apologized for the bad publicity to the Town, and specifically to Mr. Sayers and his son. Mr. Goerlach stated that it was not his intention to campaign against the school project. Mr. Goerlach stated that Richard Cohen and Carrie Greene were asked to attend the meeting. Mr. Cohen did not attend. Mr. Goerlach read a statement and stated that his emails were taken completely out of context in the article in the Berkshire Courier. Mr. Goerlach asked Ms. Greene if a school could be constructed for \$50 million. Ms. Greene stated that the Massachusetts School Building Authority (MSBA) would not have approved a \$50 Million plan due to the educational plan that was submitted for the school which was approved unanimously by the School Committee, School Building Committee and the MSBA. Mr. Goerlach asked if the educational plan could have been rewritten to reduce the cost. It was agreed that this subject could be better discussed at the Special Town Meeting tomorrow night. Raymond Jones stated that he was contacted by the Town Hall relative to emails for a Freedom of Information Request from the Berkshire Courier. Mr. Jones asked how the Berkshire Courier could print something stating that he requested information when Mr. Jones never received a request. Ms. Greene stated that she had sent a copy of Mr. Jones' email to the Courier at their request. Mr. Jones stated that he is not against the building of the school but is concerned from a tax standpoint. Don Dermeyer stated that there is a Town Bylaw stating that any expenditure over \$500,000 must be voted on. Mr. Dermeyer stated that there is no Article on the Warrant for the Special Town Meeting and feels the Town has been misled by the School Committee. Mr. Dermeyer stated that the Town has 60 days from the date of the School Committee approval to vote to approve the project or it violates the Town Bylaw. Mr. Ericson asked Ms. Greene if she would like to address this issue. Ms. Greene stated that Mr. Dermeyer is correct and the Committee decided to only have one vote because if the Debt Exclusion Vote does not pass then the vote on the approval of the project does not matter. Ms. Greene stated that Bond Counsel was consulted and it was decided that it would bring down the cost and not require a Special Town Meeting. Mr. Dermeyer believes that we are in violation of the Town Bylaw by not voting on the project. Mr. Sieloff stated that the Board of Selectmen decided that it would be a non-binding vote at the Special Town Meeting. Mr. Sieloff stated that he has spoken with Town Counsel and they stated that it was not necessary to have a 2/3 vote at a Town Meeting. Ms. Greene stated that the Bylaws were sent to Bond Counsel for review. Mr. Dermeyer stated that another Town Meeting could be had and the project could be voted on. Robert Barton stated that on March 15th he believes that the vote will be against the project. Mr. Barton believes that the Regional Agreement needs to be rewritten and presented changes to the Board.[#1] Mr. Barton asked the Board to discuss these changes with the Board of Selectmen in Williamstown and the School Committee. Michelle Johnson stated that there were many meetings relative to the Building Project that were available to all residents and not many people attended. Mr. Goerlach stated that the Committee should have come to the Board of Selectmen when not many attended to get word to more residents. Ms. Johnson stated that the gift from Williams College should not be restricted or regulated by the Town and she is concerned the Town would lose the money. Mr. Goerlach stated that Mr. Barton believed the School Committee should not be allowed to spend money without Town Meeting approval. Ms. Johnson asked Ms. Greene if the money from Williams came with conditions. Ms. Greene stated that the gift is for items outside the scope of the building project. Ron Tinkham is concerned that the Town Survey results have not been available. Mr. Goerlach stated it would be discussed later in the meeting.

Agricultural Commission Appointment - Jim Schultz

Darlene Newton, Chair of the Agricultural Commission appeared before the Board to recommend Jim Schultz be appointed to the Commission. Motion 16-029. Motion made by Robert Ericson to appoint Jim Schultz to the Agricultural Commission, seconded by Henry Sayers. Motion carried 3-0. [#2]

22 Narragansett Avenue Nuisance Complaint

Attorney Thomas Hamel who represents Clark and Cheryl Gable, and other abutters to the property, came before the Board as requested at the previous meeting. Attorney Hamel stated that they have not come to a mutual agreement and asked the Board to require Ms. Zaks to return her business to its 2013 status. Attorney Hamel stated that neither the noise level nor the flock has been reduced. Mr. Goerlach asked Mr. Sietloff if he had spoken to the Board of Health. Mr. Sietloff stated that if the Board wished to proceed in that direction, Town Counsel can provide the Board of Health with language for a regulation to be adopted. Mr. Zaks stated that over the last two weeks many changes have been made and it is difficult to sell adult poultry this time of year. Ms. Zaks told the Board that the State Animal Health Department has required that her animals be tested. Ms. Zaks stated that she has letters from people who want to purchase the fowl but cannot until the results come back from the State. Mr. Gable stated that he contacted the State and was told that Ms. Zaks asked the State to test her animals in what he believes is an attempt to slow down the process of selling them. Mr. Gable stated that residents are frustrated and want the matter resolved. Mr. Gable also stated that Ms. Zaks brought in more birds in January and if she had intentions of reducing the flock she would not have done this. A resident at the meeting stated that she is in support of Ms. Zaks' business although she does not live close to the property. Mr. Goerlach asked Mr. Sietloff to have the Building Inspector attend their next meeting to discuss this matter. Darlene Newton, Chair of the Agricultural Committee stated that she believed that it is mandated that there should be approximately 3-4 square feet per bird in their enclosure. Mr. Sietloff stated that these guidelines were recently brought to his attention. Ms. Newton stated that the Agricultural Commission would like to have input as to how the Bylaw is written. Marvin Michalak opposed a Bylaw. Mr. Michalak stated that Mr. Sietloff gave him a letter stating that the Board of Health found no violations. Mr. Michalak asked the abutters to give Ms. Zaks until April 15th to resolve the issue. Abutters did not agree. Attorney Hamel stated that if Ms. Zaks reduces her flock and brings the structure back to its 2013 status his clients will be satisfied. Mr. Goerlach asked Ms. Zaks if she would be willing to do this. Mr. Sayers asked Mr. Gable if he would be willing to purchase the birds once they pass State approval. Mr. Gable said he would. Ms. Zaks stated if he promised not to kill them and give them to good homes. Mr. Goerlach asked Ms. Zaks to contact Mr. Sietloff with an answer tomorrow. Attorney Hamel stated that they have been trying to accommodate Ms. Zaks and no progress has been made. Mr. Gable asked the Board to adopt the same language as used in other Towns which is 6 birds. Mr. Goerlach stated that the Board is going to move forward with the Bylaw due to the lack of a resolution. The Board continued the matter until the April 11th meeting.

Town Survey Results

Mr. Sietloff gave the results of the survey relative to the Mount Greylock School Building Project. Mr. Sietloff stated that the Town received approximately a 50% return and the results although close showed a larger vote not to support the project. Mr. Sietloff stated that 3 administrative staff tabulated the vote. Donald Dermeyer stated that vote was very polarized. Ray Jones asked the Board if they would take a position based on the results of the survey. Michelle Johnson stated that the vote to not support the project was by a very slim margin. Mr. Sietloff believed that the document is now public and the Board could comment on it if they wished. Mr. Stafford from the Berkshire Eagle asked the Board to comment as to the nature/history of the survey. Mr. Sietloff stated that the survey was sent to registered voters individually with no biased language. Ron Tinkham stated that the Town has had many discussions relative to the survey questions before it was sent to residents. Mr. Stafford asked if professionals were asked to help word the survey. Mr. Goerlach said that the Board tried to employ an outside agency. Ms. Greene asked if someone could come to the Town Hall to verify the results. Mr. Goerlach stated that they could. Mr. Goerlach stated that the vote on March 15th will be the determining factor. Mr. Goerlach asked the Board based on survey results if they would support or not support the project. Mr. Sayers - not support. Mr. Ericson - support - Mr. Goerlach - not support. Ms. Greene asked the Board if they knew who owned the mgrhsrenovation.org website. Mr. Goerlach stated that they did not know. Ms. Greene stated that

someone needs to take ownership of the website. Ms. Greene does not understand why no one will take ownership of the website. Mr. Goerlach stated that he passed the information along but did not create it.[#3]

Right of Way Proposal – Narragansett Causeway Project – Karen Axtell, MASSDOT Representative

Karen Axtell from MassDOT came before the Board relative to the Narragansett Causeway right of way project which is on the Warrant for the Special Town Meeting tomorrow night. Mr. Goerlach stated that Mark Messana who was present at the meeting, was never notified and is directly affected by this project. Karen Axtell stated he should talk to Mark Moore, Acting District One Manager at MassDOT in Lenox. Ms. Axtell said the Warrant Article is to authorize the Board to take land by eminent domain if necessary for the project. Mr. Goerlach stated that if the Town took property they would pay fair market value or bring the property back to its original state when the project is completed. Ms. Axtell said there will be public meetings as the project progresses which will include notice to abutters to the project.

Proposed Modified Board of Selectmen Meeting Schedule

Mr. Sieloff asked the Board if they would be opposed to a change in schedule for their upcoming meetings. Mr. Sieloff proposed moving the March 14th meeting to March 7th due to a scheduled budget meeting for the High School budget at the Elementary School on March 14th. Motion 16-030. Motion made by Robert Ericson to move the Board of Selectmen meeting from March 14th to March 7th, seconded by Henry Sayers. Motion carried 3-0. Mr. Sieloff stated that at the March 7th Meeting the Highway, Police and Fire Departments will be presenting their budgets.

Approval of Tax Mailing Insert – Horse Rider Safety

Mr. Sieloff stated that many residents had expressed concern about vehicle and rider safety and it was determined then by the Board of Selectmen that something be done in the spring. Mr. Sieloff stated that the brochure which was presented to them will be placed in the upcoming tax bills if the Board approves it. Motion 15-031. Motion made by Robert Ericson to approve the Horse Rider Safety Brochure, seconded by Henry Sayers. Motion carried 3-0. [#4]

Police Chief Timothy Sorrell gave a letter to the Board relative to the resignation of Shaun Gariepy from the Police Department. Chief Sorrell also informed the Board that the Spirit of Blue Award on the 24th will not take place due to scheduling conflicts and he will notify the Board when a new date is scheduled. [#5]

Cartographic Associates, Inc. (CAI) 2017 Tax Map Maintenance Contract

Mr. Sieloff presented the Board with the annual contract for their approval and signature. Motion 16-032. Motion made by Robert Ericson to approve the CAI 2017 Tax Map Maintenance Contract, seconded by Henry Sayers. Motion carried 3-0. [#6]

Heavy Vehicle Use/Temporary Access Permit - \$10,000 Surety Bond requirement for contractors

Mr. Goerlach and Mr. Sayers would like to postpone this item until the first meeting in April.

Budget Update & Proposed Schedule

Mr. Sieloff stated that the preliminary budget is complete and presented the Board with copies for their review. Mr. Sieloff stated that the budget is tight but balanced and he is still working on proposed Articles for the Town Meeting for Capital Projects and Free Cash and asked the Board to contact him with any questions.

Discussion on property issues on roads off Narragansett Avenue

Mr. Sieloff asked the Board how they wished to proceed with these properties. Mr. Goerlach said it was on a case by case basis to determine if the buildings need to be demolished and money should be put in the budget to do so. Mr. Ericson was worried about injuries occurring due to the conditions of properties. Mr. Goerlach asked if the landowners have been contacted. Mr. Sayers stated that there were publications in the paper about properties being taken over. Mr. Sieloff will follow up with the Assistant Health Inspector.

Health Insurance costs

Mr. Sieloff informed the Board that the fastest growing budget item is health insurance at about \$1.4 Million. Mr. Sieloff stated that 125 people are on the Town's health insurance policy (45 active and 80 retirees). Mr. Sieloff asked the Board to consider changing the Medex rates and modify the percentage paid by retirees which is currently 85/15 to 75/25 or 70/30. Mr. Goerlach asked if we can do something for new hires instead of retirees. Mr. Sieloff stated that after discussions with Town Counsel and State Representatives this is not allowed. Mr. Sieloff stated that this is a unique situation due to an approximate 20% decrease in the Medex rates which will not greatly impact retirees if a change is made. Mr. Sayers asked about cost savings. Mr. Sieloff expected an approximate \$70-\$75,000 cost savings but he will be further investigate and report back to the Board. Mr. Sieloff stated that another option would be to change the plan levels and not offer the top level which is more costly, but there are time constraints do accomplish this and there would be savings to the Town and employees. If employees move to less expensive plan, 25% of savings would go back to the employee (i.e. not charging for insurance premiums for certain pay periods). Mr. Goerlach asked if there were other ways employees could get money. Mr. Sieloff stated that he is not certain if this it can be accomplished by the July 1st deadline. Mr. Goerlach asked the Board if they were interested in pursuing this cost savings. The Board stated they would like to move forward.

Other business which could not have been reasonably foreseen within 48 hours of the meeting.

None.

Selectmen's Items

Mr. Sayers asked about the possibility of spraying for mosquitos throughout the Town. Mr. Jones thought it would be a great benefit from a health and safety issue and for the Town to check into this. Mr. Ericson asked if park areas could be concentrated for ticks. Mr. Jones would like to use organic materials and stated that if the Board would like a proposal he would be happy to present one. Mr. Goerlach asked if the State uses chemicals when it sprays. Mr. Jones stated it does but it is an approved chemical. Mr. Sieloff stated that there is a mosquito district and he can try to have someone come to a meeting if the Board wished. Mr. Goerlach stated that he would like to have someone attend a meeting and get an approximate cost for this issue. Mr. Goerlach asked the Board if they should write a letter to Williams College to thank them for the endowment for the Greylock Building project. Mr. Ericson would like to send a letter. Mr. Sayers would like to wait until the agreement is finalized. Mr. Goerlach asked about the status of internet services. Mr. Sieloff stated that WiredWest and Charter Communications are still options and progress is moving in both directions. Mr. Sieloff stated that WiredWest would mean borrowing almost \$3 Million and it would be preferable if services can be received at no cost to the Town and Charter Communications can build the system quicker and has already done some slight technical modifications and improvements in Town. Mr. Sieloff stated that he will know more in 3 to 4 months and the Board can make a determination as to what is more beneficial to the Town.

Town Manager Report

None.

Approve Minutes

Motion made by Henry Sayers to approve the Minutes of February 8, 2016, seconded by Robert Ericson. Motion carried 3-0.

Adjournment

Motion to continue the meeting to tomorrow night at 6:00 p.m. made by John Goerlach, seconded by Robert Ericson. Motion carried 3-0.

Footnotes:

[#1] Proposed Changes to Mount Greylock High School Regional Agreement from Robert Barton

[#2] Lanesborough Citizen Interest Form – Jim Schultz

[#3] Town Survey Questionnaire Results

[#4] Horse Safety Brochure

[#5] Shaun R. Garipey Resignation from Lanesborough Police Department

[#6] 2017 Tax Map Maintenance Proposal